

## **Privacy Notice – Solicitors and Insurance Companies**

The Kent and Medway NHS and Social Care Partnership Trust keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to and from specialists and other healthcare providers, tests carried out both here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this organisation who are appropriately involved in your health care.

When registering for NHS care within KMPT, all patients who receive care are registered on a organisational database, which is held by KMPT and hosted by The Access Group, a third party company which has legal responsibilities to protect your information.

In line with the General Data Protection Regulation and Data Protection Act 2018 third parties such as solicitors and insurance companies are entitled to request copies of information relating to our patients or staff. In addition, it may be requested that the organisation provide a medical report in relation to clinical interactions with you.

Third parties accessing your information will only be able to do so by providing your explicit consent to allow them to either access to, or copies of information. This consent will need to be dated within the last six months, and we will request identification from the requestor before producing any information.

You have the right to refuse to provide consent in these cases.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

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1. <b>Data Controller</b> contact details	Kent and Medway NHS and Social Care Partnership Trust Head Office, Farm Villa, Hermitage Lane, Maidstone, Kent, ME16 9PH
2. <b>Data Protection Officer</b> contact details	Leanne McDougall Head of Information Governance, St Michaels House, St Michaels Road, Sittingbourne, Kent, ME10 3DW
3. <b>Purpose</b> of Processing	We need to collect and record information about you in order to provide the right kind of services to meet your needs. Appropriate collection and sharing of information is an essential part of the provision of your safe and effective care. You could be put at risk if we do not have access to relevant, accurate and up to date information about you.
4. <b>Lawful basis</b> for processing	The processing of personal data in the delivery of individuals / third party rights is supported under the following Article 6 and 9 conditions of the GDPR: <ul style="list-style-type: none"> <li>• <i>Article 6(1)(a) ‘The data subject has given consent to the processing of those personal data for one or more specified purposes’</i></li> <li>• <i>Article 9(2)(a) ‘The data subject has given EXPLICIT consent to the processing of those personal data for one or more specified purposes’</i></li> </ul> We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*
5. <b>Recipient or categories of recipients</b> of the processed data	The data will be shared with relevant solicitor or insurance company in line with your instructions.
6. Rights to <b>object</b>	You have the right to object to you information being shared with third parties. You can also remove your consent at anytime.
7. Right to <b>access and correction</b>	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8. <b>Retention</b> Period	The data will be retained in line with the law and national guidance. <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a>
9. Right to <b>Complain</b>	You have the right to complain to the Information Commissioner’s Office, you can use this link  <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a>  or call their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)